

# Journal of Criminal Law and Criminology

---

Volume 6 | Issue 6

Article 5

---

1916

## Treatment of Beggars and Bagabonds in Belgium

Rudolph M. Binder

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>



Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Rudolph M. Binder, Treatment of Beggars and Bagabonds in Belgium, 6 J. Am. Inst. Crim. L. & Criminology 835 (May 1915 to March 1916)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

# THE TREATMENT OF BEGGARS AND VAGABONDS IN BELGIUM.

---

RUDOLPH M. BINDER.<sup>1</sup>

---

Every newspaper reader is familiar with the changes which have come upon Belgium since August 1914—changes which have affected every institution of that unhappy country. An account of the correctional work of the Kingdom as I found it in the Summer of 1913, may prove of interest to the readers of the JOURNAL, especially since the institutions may never be restored to their former condition. I should like to use this opportunity to express my deep appreciation of the kind and sympathetic interest which Director Strobant manifested in the object of my visit at Merxplas-Wortel.

The establishments at Merxplas and Wortel are adjacent to each other, although in different communes; they are hence generally hyphenated in official reports, and have the same director. They are—I cannot speak of them in the past tense—the largest state institutions for the suppression of “begging and vagabondage.” The terms are too narrow if taken literally, since intemperance, immorality, and other shortcomings are considered reasons for being sent to one of these or other penal colonies. Belgium has four poorhouses (*maisons de refuge*); three for men, at Wortel, Hoogstraeten, and Reckheim, respectively; and one for women at Bruges. There are two work houses (*depots de mendicite*), one at Merxplas for men and one at Bruges for women. The locations are well distributed geographically and are accessible from every part of the country.

## I. LEGISLATION.

The suppression of begging and vagabondage is regulated by a law passed on November 27, 1891, but modified to some extent on February 15, 1897. Previous to this time there existed various laws for that purpose, but they were not co-ordinated, and the systematic attempt to deal with these and similar problems dates from 1891.

The guarantee of individual liberty and the avoidance of social danger are the basic principles underlying the law. Its provisions are briefly as follows:

---

<sup>1</sup>Assistant Professor of Sociology, New York University.

1. The workhouses are intended for individuals who shun work and try to find a living by exploiting charity; for those who have become homeless owing to laziness, intemperance, shiftlessness, and immorality; finally, for those who become a public danger by keeping houses of prostitution. The poorhouses are intended for unfortunate persons who for one reason or another are unable to make a living, chiefly those in poor health, advanced age, or in hard luck.

2. In every case the question of being sent to one of the two kinds of institutions must be submitted to a judge or justice of the peace. The court must verify the identity, age, physical and mental condition, antecedents, and especially the police record of the individual. In order to assist the judge in getting all the facts in the case of an individual not sufficiently known in the locality where he or she is apprehended, the department of justice at Brussels renders all possible aid. The decision of the court is final and cannot be appealed from, except in the case of "white slavers."

3. If the sentence is too severe the Minister of Justice may be asked to modify it or pardon the culprit; if too light, a corrective is found in having the parties either expelled from the poorhouse, if their presence should be morally dangerous to the inmates, or by having them re-sentenced by the Minister of Justice to the workhouse.

4. No person under 18 years is to be sent to a poorhouse or workhouse; persons between 18 and 21 years of age in those institutions must be kept separate from older inmates.

5. Sentences to the poorhouse are for one year or less, to the workhouse for two years or more.

6. Admission to the workhouse is by judicial process alone; to the poorhouse (1) by voluntary application to the mayor and aldermen of a commune, (2) by direct demand of the mayor and aldermen, (3) by judicial procedure.

7. The expenses of parties sent to the poorhouse on the request of a commune are charged to it in their entirety; expenses of inmates of workhouses and poorhouses sentenced by a judge are divided equally between the commune, the province, and the State. The expenses for "white slavers" must be borne by the commune in which they plied their trade.

8. Every healthy inmate of a poorhouse and workhouse is obliged to work, but is legally entitled to the pay fixed by the Minister of Justice for the particular work he does.

9. Discharge from the poorhouse must, according to law, invariably take place at the end of one year. Release may be granted

before if the Minister of Justice concludes from the report of the director that confinement has served its purpose, or when the savings accumulated by the inmate through his own work amount to 15 francs, or when regular work is found for him, provided the savings amount to 15 francs, since no inmate should be set at liberty when he can not find work at his trade.

Discharge from the workhouse is obligatory at the expiration of the term; release may be granted under certain conditions for good behavior, provided the savings of the prisoner amount to at least 15 francs and prospects for work are good, or when proof is furnished of a judicial error having been committed.

A special bureau examines all requests for pardon, and deals on an average with 10,000 petitions per year, coming from approximately 6,000 individuals. Nothing is left undone to avoid an infringement of individual liberty of deserving persons.

A voluntary board of visitors forms another safe-guard against any possible injustice. The members visit in turn and bi-weekly the institutions to which they are assigned, hear petitions, examine the reports and conduct of prisoners, and endorse the requests for clemency if they see a good reason for doing so. The visiting board for Merxplas-Wortel consists of fifteen members, and of six members for each of the other institutions. They have the advantage of coming in personal contact with the petitioners and examining records on the ground.

## II. ADMINISTRATION. OFFICIALS.

The general management and supervision of the penal colonies is in the hands of a director-in-chief, a vice-director, a chief-clerk with assistants, a treasurer, a superintendent of farms, and an inspector.

Each workhouse and poorhouse has a director, three vice-directors, a physician, two chaplains and assistants, principal and assistant teachers, two chief-clerks and assistants, a bursar, superintendent of stock and material, a head-farmer with assistants, a superintendent of the hospital and nurses, guards, and minor officials.

The director and vice-directors are appointed by the King, the other officials by the Minister of Justice. All officers are under civil service rules. Every appointment is provisional for at least six months, but tenure is for life or good behavior. Participation in political campaigns, and attempts to secure promotion by political

means, are strictly forbidden. Intercourse between inmates or their families and any official must be solely official, and no alcoholic beverages may be introduced into the colony by any official or employee.

The salaries are good and the government has been able to secure capable men for the different positions.

TABLE I

OFFICERS and EMPLOYEES	SALARIES IN FRANCS		Perquisites (Val. in francs) (Rooms, Light, Heat.)
	Minimum	Maximum	
Director-in-Chief.....	6,500	8,000	1,200
Directors.....	4,500	6,000	1,100
Vice-Directors.....	3,500	4,500	1,000
Head-Physician.....	3,500	4,500	1,000
Head-Chaplain.....	3,000	4,000	600
Chaplains and Physicians.....	2,000	3,000	600
Head-Teacher.....	2,000	2,600	600
Teachers.....	1,000	1,800	400
Teachers (Women).....	900	1,200	300
Chief-Clerk.....	2,500	3,500	600
Clerks, Different Grades.....	1,000	2,000	300-400
Bursar.....	2,500	4,000	800
Superintendents of Stock.....	1,800	2,400	450
Assistant Superintendents.....	1,300	1,600	350
Temporary Employees.....	500	900	350
Head-Farmers.....	1,500	3,000	600
Superintendent of Factories.....	2,500	3,500	600
Foremen, Different Grades.....	1,000	2,500	300-400
Chief of Guards.....	1,700	2,000	500
Guards, Different Grades.....	1,000	1,600	400-450

### III. CLASSIFICATION OF INMATES.

Prisoners in the workhouses are grouped in the following classes:

(1) Young people from 18 to 21 years of age, with whom special efforts at redemption are made; (2) the poor in health, capable of doing some work; (3) the sick, unable to perform any work; (4) the inmates over 21 years of age serving their first sentence; (5) escaped and recaptured prisoners; (6) persons sentenced for burning or destroying trees, and those who have attempted or threatened arson either before or after coming to the colony; (7) "white slavers," recidivists for immorality, and moral degenerates; (8) dangerous and mutinous or rebellious persons; (9) those who do not belong to any of the foregoing classes.

It is perhaps interesting to notice that the burning or destruction of trees is a punishable offense in Belgium, showing how carefully the natural resources are conserved.

Inmates of poorhouses are divided into three classes: (1) those between 18 and 21 years; (2) older persons; (3) dangerous and rebellious persons, and those who have received a prison sentence, but have been transferred by judicial authority.

#### IV. GENERAL REGULATIONS.

The inmates live and sleep in dormitories, and are arranged in groups, each of which is supervised by one or several guards.

Disobedience and infraction of the regulations are punished, according to the gravity of the offense, by (1) retention of the daily wages; (2) deprivation of all privileges, e. g. work, use of library and canteen, receiving of visits and correspondence, amusements; (3) bread and water ration; (4) confinement in an ordinary cell; (5) confinement in a special cell.

There is a canteen within every colony where inmates may buy certain necessary articles, especially food.

Inmates are allowed to receive two visits a month of half an hour each from members of their families; other visitors are admitted only by special permission.

One letter per month on prison stationery is permitted every colonist, more frequent correspondence is at the discretion of the director, and allowed only in case of necessity.

A bath once a month is obligatory for every inmate, and daily washings are demanded.

Every penal colony has a library which is open on Sundays and legal holidays. The chaplains give conferences on religious topics from time to time, at which attendance is voluntary.

Services are held every day for Roman Catholics, but attendance is optional except on Sundays when it is obligatory at one mass. Services for Protestants are held Sunday afternoons with voluntary attendance.

## V. WORK.

Every penal colony has shops, and those at Merxplas-Wortel and Hoogstraeten have farms in addition; every inmate, unless on the sick list, is required to work at the task assigned. Assignments must, as far as possible, be made in accordance with the strength, aptitude, and previous training of the prisoners. The output is intended first of all for the use of the penal colonies, secondarily for other institutions of the State, and thirdly for commerce if the State cannot utilize all of it. The colonies are expected to produce as nearly as possible every article which they need, and only when this is impossible are contracts let to outside competitors on the basis of the lowest bid.

At Merxplas-Wortel a number of brick buildings, the barns and stables, and important machines have been erected by the inmates. I was surprised at the complete equipment of the foundry, and was shown various machines, e. g. a press for brick and a cream separator, which had been made in the establishment. According to the "daily bulletin" of February 12, 1913, Merxplas sent two carloads, 21,410 kilograms, of charcoal to Antwerp.

The variety of trades practised may be inferred from the following lists. At Hoogstraeten there is a brewery and malstery—all the output going to the different colonies and hospitals—flour mills, bakery and soap factory; carpenter, cobbler, shoe-maker and locksmith shops; one for cabinet-makers working chiefly for commerce, and gas works. At Merxplas the shops include brick and tile making, tinning, weaving, tailoring, smithing, carpentering, boot and shoe making, cobbling, and cabinet making—working chiefly for commerce—foundry work, charcoal burning, plumbing; manufacture of matting, locks, chicory and of tobacco, beside flour-mills, bakery and gas works.

The farms belonging to the colonies cover an area of 1,214 hectares, of which about 800 hectares are at Merxplas. At the latter place about 30 horses and 10 yoke of oxen are used for draft purposes. All told the colonies have about 300 head of cattle; 350 sheep, and 250 pigs. All the crops are raised for which the soil is suitable, e. g., oats, barley, rye, carrots, potatoes, chicory, tobacco, flax, hemp, legumes.

Daily wages for work vary according to ability, experience and the kind of employment they are given in centimes below for the poorhouse.

Shop workers.....1st-class, 47-71; 2nd-class, 24-47; 3rd-class, 24  
 Farm hands, ditch-  
   diggers.....1st-class, 42-60; 2nd-class, 21-42; 3rd-class, 21  
 Domestic and other  
   light work.....1st-class, 18-27; 2nd-class, 9-18; 3rd-class, 9  
 Advancement is based on good behavior and quality of work.

In the workhouse wages are much lower, thus making it practically impossible for an inmate to acquire the 15 francs necessary for liberation in a short time.

The wages are given in centimes.

TABLE II

	Min.	Med.	Max.
1. Shopworkers.....	15	20	25
2. Masons, Carpenters and others in constructive work.....	15	18	21
3. Painters, Slaters and others keeping buildings in order.....	15	16	18
4. Farm hands.....	12	16	21
5. Domestics and other light workers.....	12	15	18
6. Supplementary pay to clerks, nurses, trustees, firemen, etc.....	3	6	9

The sick of the poorhouse receive credit for 6 centimes a day in the canteen and those of the workhouse for 3.

Work is thus used as a means of discipline and education. It may be remarked here that if a party has been unable through sickness to save the 15 francs before the expiration of his term, the treasury of the the institution has to supplement the amount with five francs. These cases occur, however, very rarely, because the inmates are allowed to spend only one-third of their earnings in the canteen, the balance being saved for their discharge.

A few words about the meals. The food consists chiefly of vegetables, as many as four being served at dinner and supper; meat is furnished twice a week at dinner, and lard three times. Breakfast consists of rye bread, skim milk and chicory. One thing which may strike an American as odd is the fact that in the poorhouse every inmate is furnished half a litre of beer at dinner every day; the sick in the workhouse receive the same amount, but those in the poorhouse a whole litre. Sick people have meat at dinner every day. The quantity of food is ample.



## VI. DAILY ROUTINE

The day begins at 4:30 from April to July, at 5 in August and March, at 5:30 in September and February, and at 6 from October to January; it ends at 8, 7, 6 and 5:30, respectively. Work lasts on an average 11 hours and is broken by intermissions for two meals and a short period of rest in the afternoon. These are utilized for visits by the physician and for communications by the director. On holidays and Sundays the hours of rising are later, and no work is done; aside from the obligatory attendance at mass the inmates spend the day in recreation. How well the time is utilized may be inferred from the fact that a brass band of about 75 pieces was performing at the time of my visit, and I was honored with the Star Spangled Banner when the leader learned about my nationality. The library is likewise well attended. There is general good feeling among the men of the same group and among the groups themselves, with the exception of the "white slavers" who—a degenerate and surly looking lot of men—were shunned by the others and seemed to have but little fellowship among themselves. The director informed me that even among these prisoners they were held in contempt and their trade denounced.

## VII. POPULATION.

It was impossible to get statistics for every year since 1891 when legislation for the suppression of begging and vagabondage was co-ordinated. The effect of the treatment of this class of people in poorhouses and workhouses can, however, be clearly discerned from the figures below.

The penal colonies took over 8,825 prisoners in 1891. The figures for the next few years run as follows: 8,723 in 1892; 6,660 in 1893; 7,574 in 1894; 7,125 in 1895; 6,374 in 1896; 5,855 in 1897; 5,941 in 1898; about 5,500 in 1899. These figures refer to different individuals, not to number of arrests.

TABLE III  
AGE OF INMATES FOR 1898.

YEAR	Poorhouse	Workhouse	Total
Born before 1825.....	108	14	122
Born from 1825 to 1830.....	195	80	275
Born from 1831 to 1835.....	310	125	435
Born from 1836 to 1840.....	410	232	642
Born from 1841 to 1845.....	463	341	804
Born from 1846 to 1850.....	388	331	719
Born from 1851 to 1855.....	384	348	732
Born from 1856 to 1860.....	321	335	656
Born from 1861 to 1865.....	262	249	511
Born from 1866 to 1870.....	221	213	434
Born from 1871 to 1875.....	229	177	406
Born after 1875.....	204	102	306
	3,495	2,547	6,042

The total number exceeds the total given above for 1898 by 101; this is due to the temporary stay of these prisoners before their transfer to other institutions, either hospitals or regular prisons; they are consequently not to be considered inmates.

TABLE IV  
RECIDIVISM IN 1898

	Poorhouse	Workhouse	Total
1. Sentence.....	1,335	447	1,782
2. Sentence.....	701	431	1,132
3. Sentence.....	522	509	1,031
4. Sentence.....	389	551	940
5. Sentence.....	273	324	597
6. Sentence.....	155	147	302
7. Sentence.....	76	85	161
8. Sentence.....	33	33	66
9. Sentence.....	7	13	20
10. Sentence.....	4	4	8
11. Sentence.....	.....	2	2
12. Sentence.....	.....	1	1
	3,495	2,547	6 042

TABLE V

## ADMISSIONS AND AVERAGE POPULATION FROM 1907-1911.

Year	ADMISSIONS		Average Population			
	Workhouses		Poorhouses		Work-houses	Poor-houses
	Men	Women	Men	Women		
1907.....	3,010	200	2,278	190	5,126	1,210
1908.....	3,057	175	2,633	192	5,421	1,279
1909.....	2,977	187	2,505	219	5,724	1,333
1910.....	2,930	191	2,210	193	5,676	1,227
1911.....	2,776	161	2,258	176	5,645	1,107

## VIII. REMARKS.

The facts have been given as succinctly as possible and with hardly any comment. It may now be well to give an estimate of the social value of these institutions, for that must be the ultimate test of whatever a community undertakes. Are the means adequate to decrease the evils which the institutions are intended to combat? Is there sufficient evidence that the persons discharged are becoming self-supporting and law-abiding? Are the redemptive agencies sufficient in number to reach as far as possible every inmate and to exercise a personal influence? These and similar questions may justly be asked when a community invests money for the care of its delinquent members.

It is significant that the institutions discussed and the reform schools which have not been treated here are called by the Belgian government *colonies de bienfaisance*, a term which corresponds to the German *Wohltätigkeitsanstalten*, and to the English "charitable institutions." The spirit which called them into existence and keeps them alive, is, in other words, still that of old-fashioned charity, and not the modern spirit of social responsibility based on a larger social consciousness. The feeling underlying this activity is that of the rich man or even of the farmer's wife that something must be done for a poor or a shiftless person because one's sympathy is aroused. It is not an intelligent perception, but an emotional attitude which inspires this whole activity.

Those who know what a multiplicity of various charitable institutions and benevolent societies the Roman Catholic Church in Belgium maintains in order to keep the workingmen from joining the socialists, will readily see that the State should in its way follow similar lines. Admirable as this spirit is, it fails to provide adequate remedies for the evils which these institutions are intended to combat. If economic conditions remain the same, that is, if wages are low and employment uncertain, charity will have to repeat tomorrow what it is doing today; its task is an endless chain. Only by securing regularity of employment and by having adequate wages paid is it possible to remedy at least the worst features of pauperism and of vagabondage. These remarks are not intended as a criticism of the Belgian system of treating these evils, but rather as a criticism of the attitude of all the European and American states, since each of them acts in an emotional rather than an intelligent manner in this respect. Our legislation is far behind the best public opinion of the community, which demands adjustment of social conditions as a whole rather than alms-giving in an open or veiled manner. The remarks following should be understood from this point of view.

The administrative machinery in these Belgian institutions is truly admirable. I found not only military precision, but excellent co-ordination between the different agencies involved in the handling of these problems. If, for instance, a judge is unable to identify a homeless person, a telegram to the Minister of Justice will produce the missing items either by telegram or by letter, according to the urgency of the case. Within the institutions there is a similar co-ordination to be found between the various departments. This is due largely to the fact that every man is trained for his position, and that promotion is by merit and not political influence. A man will choose that kind of work as a vocation, begin as a subordinate and gradually rise to a higher position. Owing to their efficiency and competence these men expect and get obedience, they need not be harsh and overbearing, and can afford to be kind and gentle without being misunderstood. The efficiency of the management may be inferred from the fact that I saw scarcely any of the 180 soldiers detailed to guard Merxplas-Wortel.

Another commendable feature is the insistence on the saving of money from the wages paid. The 15 francs "exit money" are not all given in cash, but in part in tools and in clothing, so that the person discharged may be able to ply his trade and present a decent appearance. Most of the inmates have a larger amount to their

credit at the time of their liberation and are able to start out well equipped on their new career.

The most praiseworthy feature is, however, the variety and regularity of work. There is scarcely a trade which is not represented in one of the institutions, and every type of man may, consequently, be employed in congenial work. The superintendents and foremen are, moreover, experts in their line and many a man learns a trade thoroughly during his confinement. I was deeply impressed with the excellence of the management of the various shops and the farm at Merxplas-Wortel. Work there is truly an educational feature.

That the penal colonies have served to a certain extent as means to reduce begging and vagabondage may be inferred from the decrease in those apprehended for this cause. The number was 8,723 in 1892 and dropped gradually to about 5,500 in 1899; that is a reduction of about 37 per cent. From that year to 1907 no figures are available. The interval must evidently have proved unfavorable economically since we find in that year a total of 6,336 inmates in the various colonies as an average population, which means of course a larger actual number of persons committed to them. For 1911 the average population was 6,752. These figures very clearly indicate an increase in the number of inmates. But the striking fact is that in the poorhouses there was a decrease—omitting the three intervening years—from 1,210 to 1,107, while in the workhouses there was an increase from 5,126 to 5,645 during those years. This decrease and increase respectively seems to indicate that the causes of internment were not economical only, but social as well. There must have been a number of individuals who reached adult age during those years unable to make a living by honest means owing to poor mental and physical heredity, since the slight decrease in the number of poorhouse inmates indicates no change for the worse in economic conditions. This fact plainly proves that one way of remedying begging and vagabondage permanently is by prohibiting, either through segregation or sterilization, the propagation of the physically and mentally unfit.

This argument is re-enforced by the large percentage of recidivists. The report of the Minister of Justice for 1912 expressly states (page LXII) that out of 6,480 men confined in the workhouses and poorhouses on December 31, 1911 only 794 were serving their first term, while 4,088 were serving their second to fifth term, and 1,598 had been sentenced six times or over. The figures for 1898 are not less impressive in this direction. In the poorhouses only 1,335 persons were interned for the first time, while 2,160 inmates were recidivists

from the second to the tenth time. The figures for the workhouses prove bad heredity even more strikingly, since out of 2,547 inmates only 447 persons were first offenders, while 2,100 were recidivists from the second to the twelfth time. The number of third and fourth offenders was each larger than that of first offenders, namely 509 and 551 against 447. With material of that kind the best institution can do but little, if anything at all. Society is plainly bound to look for other means than confinement of the unfit for the extirpation of shiftlessness, begging, intemperance, immorality, and other social dangers.

The defects of the Belgian system of treating these evils are not obvious, but can be found without difficulty. The judges or justices of the peace are the sole arbiters of the physical and mental condition of the defendants. Giving them all due credit for natural acumen, not every one can be assumed to be an expert in these respects. Even experts make mistakes, and it is reasonably clear that a justice of the peace in a village or small town cannot gage the mental condition of a moron accurately, even though we grant him to be of a larger mental calibre than a person in the same position in America. The result is largely guessing on the part of the person committing; hence there is no definite attempt at separating the mental and physical defectives according to any definite system in the institutions. True, there was a section for mental defectives at Merxplas, numbering 135 on February 11, 1913; but the defects of those I saw at the time of my visit were so obvious that they would be classed as idiots by an expert; the lesser defects as indicated for instance by incendiarism and rebellion against discipline were evidently put under the head of moral perversion according to old fashioned notions.

Another weakness in the Belgian system is the lack of any definite attempt at redeeming the inmates by definite instruction and personal influence. The teachers in the institutions are intended primarily for the education of the children of the officials and give only a small part of their time to the instruction of the inmates from 18 to 21 years of age. The latter are, moreover, required to do their proper amount of work and have but little time for study. The chaplains have little personal influence on the inmates, because the number of the latter at least at Merxplas-Wortel is too large to permit of much personal work, even if their time were not already too much occupied by the demands for work. The Roman Catholics have a resident chaplain, but the Protestants have only occasional visits during the week from theirs. The religious work in the colonies cannot, con-

sequently, be looked upon as a strong spiritual force even if the chaplains are most earnest and anxious to improve the morals of the interned.

There remains, therefore, work as the principal agency for influencing the inmates toward a better life. As has already been mentioned, that is excellently organized. By its regularity, its variety, its encouragement to greater effort through higher wages, and by offering opportunities to learn almost any trade well—it furnishes an education more valuable by inculcating good habits than mere book learning or pious talk can do. Still, even the best methods will often fail to achieve results if the material worked upon is no longer plastic or is unresponsive through poor heredity. Society must improve economic conditions so that men may not find themselves out of work at the age of forty or fifty years after having vainly endeavored up to that time to get a firm hold on some occupation, but society must above all else apply the radical measure of preventing the propagation of the unfit if it would remedy and prevent the evils for the cure of which all civilized countries have established institutions similar to those of Belgium.